

REMARKS

This Amendment is submitted in response to the outstanding Office Action dated March 19, 2004, wherein the Examiner rejected claims 1-33, all the claims pending in the application. Reconsideration of the application in view of the amendments made herein and the following remarks is respectfully requested.

Prior to discussing the specific rejections of the Examiner, application wishes to set forth a brief few comments. As stated in the description of the application, the inventive pet chew includes first and second members mounted in rotatable orientation such that the two members are rotatable relative to one another around an axis of rotation. One of the members has a first surface which includes a plurality of scrubbing elements mounted thereon, while the other member includes a first surface also having a plurality of scrubbing elements mounted thereon. Significantly, the first surface of the first member and the first surface of the second member are generally perpendicular with respect to the axis of rotation. As will be appreciated herein, this perpendicular orientation of the surfaces of each of the rotating members is what, at least in part, distinguishes the claimed pet chew from the teachings of the prior art.

Turning now to the specific prior art rejections, the Examiner rejected independent claims 1 and 32, and many of the claims which depend therefrom, based on the teaching in Patent No. 4,825,812 to Visalli. The Examiner argues that the Visalli device includes a plurality of scrubbing elements mounted on a first surface of a first member and a plurality of scrubbing elements mounted on a first surface of a second member in which the first surfaces of each members are generally perpendicular to the axis of rotation. The Examiner rejected some of the remaining dependent claims as obvious based on the teaching of Vaselli in combination with Design Patent No. 307,339 to Markham.

Later on in the Action, the Examiner rejects independent claims 16, 33, as well as many of the claims dependent thereon, based on the teaching in Vaselli in combination with the teaching in U.S. Patent No. 6,688,258 to Kolesar. The Examiner relies on the teaching in Kolesar for use of disk shapes and in a pet chew design. Finally, dependent claim 31 is rejected based on the combination of teachings in Vselli and Design Patent No. 473,683 to Willinger.

These rejections are respectfully traversed.

The principal reference relied upon by the Examiner in the Office Action is the Visalli patent, which is directed to a horse pacifier design. As described in Visalli, the device includes a series of elastomer rubber pieces that rotate along a shaft. These elastomer rubber pieces are defined as rubber wheels 1, 2 which are rotatable about the longitudinal axis of shaft 3 as the horse attempts to chew the rubber wheels. Each of the rubber wheels is formed with a plurality of ribs 7 along the periphery thereof in order to provide a textured surface therealong.

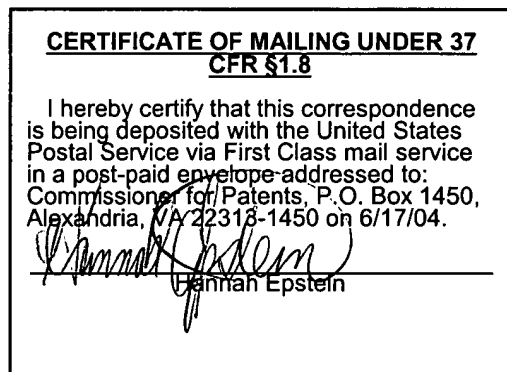
What the Examiner fails to appreciate is that the Visalli device, while arguably including two members (the rubber wheels) independently rotatable about an axis of rotation (shaft 3) with surfaces formed with a plurality of scrubbing elements (ribs 7), nonetheless fails to teach having these surfaces perpendicular to the axis of rotation. Rather, as shown in Figs. 1 and 2 of the Visalli patent, surfaces 8 of rubber wheels 1 and 2 are instead coaxial with and/or circumferential with respect to the axis of rotation (of the wheels) as defined by shaft 3. This is precisely not what is described and claimed in the subject application, in which the first surface of the first rotating member and the first surface of the second rotating member are, in general, perpendicular to the axis of rotation. This, in turn, provides for the scrubbing elements mounted along the surfaces of each member to be disposed in a far more advantageous position/orientation than what is found in the Visalli teaching.

Moreover, none of the other secondary references relied upon by the Examiner overcomes this deficiency in Visalli. For example, Willinger, which arguably is the most relevant reference of the secondary references, includes a number of members disposed about the axis of the pet toy illustrated therein in which the surface of each member has a plurality of scrubbing elements mounted thereon and coaxial with respect to the axis of rotation.

The patents to Markham and Kolesar are of even less relevance, since neither appears to include any type of scrubbing elements.

Accordingly, and in view of the amendments made herein, Applicant submits that claims 1-16 and 18-35 (which include newly presented claims 34 and 35) are directed to allowable subject matter. Early and favorable action is requested.

For the presentation of an additional dependent claim, a check payable to The Commissioner of Patents and Trademarks in the amount of \$18.00 is enclosed herewith. Please charge any deficiencies or credit any overpayments to Deposit Account No. 07-1730.



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